UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,955	09/15/2003	Syed Mohammad Amir Husain	5602-12200	1046

7590   07/06/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>11 June 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-30</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

JACK CHIANG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

a. The prior art of record Turpin and Vigue discloses all the elements in the claims.

Regarding the limitation "translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions" of claim 1, Turpin discloses this limitation. Turpin discloses that it receive packet of data on a socket of a remote computer (See Col 5; Lines 19-27), specifically the data contain command field which tell IMGSlave what the data is use for and how the data is to be processed (See Col 5; Lines 19-26). Turpin discloses that it processes the data it received on the socket (See Turpin, Col 5; Lines 19-51, Also see Col 12, Lines 16-16, intializing data for processing). Giving the claimed elements the broadest reasonable interpretation in light of the specification, without reading the limitation from the specification into the claims, the packet of data in Turpin is the portable format claimed and the processing of the packet disclosed above is the translation from portable to excutable. Specifically, Turpin disclose that it receceive packet of data (See Col 8; Lines 54 through Col 9; lines 20), it then process the packet of data, one way it process the data is that it receive data and then it flush the data to a disk (See Col 9; Lines 6-10).

Flushing data to disk is the installing of sofware. Turpin discloses mirroring of binary data on from one computer to another (See Col 1; Lines 5-20) by utilizing disk imagine (See Col 6; Lines 61-64), which is the installing of software (See Col 6; lines 61-64, solution to installing...). By putting data or mirroring data onto a computer, it is the process of installing. Further support of Turpin invention with respect to software installation can be seen from Figures 7 through Figures 14., in which it is shown that Turpin send image file and receiving a file (Figure 7, i.e. broadcast head...compress head), and installing (See Figure 14, i.e. write buffer to disk) of a software.

Further, Turpin disclosed a number of patents which it incorporated by reference in its entirety (See Col 1; lines 55-61). Specifically, reference Platt (U.S. Patent No. 5,421,009) , disclosed for understanding of the installation of software on a remote computer. Platt discloses that a single stream (hence portable) of data are send over a network to a remote computer (See Abstract), at the remote computer, file are extracted for installation (hence translation to executable) at the remote computer (See Abstract, Col 2; Lines 33-42). Further detail of the operation of installation can be seen in Platt Figure 8 (i.e. combine files into a data stream...send data stream to remote...extract files from data stream...update files, and Platt Col 6; Lines 57 through Col 7; Lines 15).

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571-270-1405

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